

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ex rel.
Misha Kim,

Plaintiff,

v.

Hee Jung Mun, Dong W. Shin, M.D., Bo W.
Paik, M.D., Whan Sil Kim, M.D., Jihae Kim,
Sang Whan Ahn and Seonweon Kim,

Defendants.

Case No. 2:10-CV-1988-SVW-MANx

**CONSENT JUDGMENT IN FAVOR OF
UNITED STATES OF AMERICA AND
AGAINST DEFENDANT WHAN SIL KIM,
M.D.**

CONSENT JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to and in accordance with the Stipulation for Entry of Consent Judgment in Favor of the United States of America and Against Defendant Whan Sil Kim, M.D., ("Defendant") with the consent of qui tam Plaintiff Misha Kim ("Plaintiff") and Defendant ("Plaintiff" and "Defendant" referred to collectively herein as "the Parties"), as follows:

FINDINGS

1. The Court has subject matter jurisdiction over this action pursuant to 31 U.S.C. § 3730(b), 31 U.S.C. § 3732(a) and 28 U.S.C. §1331.

2. Defendant has acknowledged and accepted service of the Summons and Complaint. The Court has personal jurisdiction over Defendant.

3. Venue is proper in this District pursuant to 31 U.S.C. § 3732(a) and 28 U.S.C. § 1391(b), because Defendant is located and transacts business in this District, and a substantial part of the events giving rise to the claims brought in this action occurred in this District.

4. Between May 2008 and early 2011, Defendant resided in California, was licensed to practice medicine in California and was a participating Medicare provider. During that time, Defendant practiced internal medicine at several clinics in Los Angeles County and Orange County, California.

5. On July 16, 2012, Defendant pled guilty in this Court to one count of Receiving Illegal Remuneration for Health Care Referrals (42 U.S.C. § 1320a-7b) (the Anti-Kickback Statute) in *United States v. Whan Sil Kim*, CR 12-00572 DPP (C.D. Cal.) (the "Criminal Action"), which was brought in connection with the facts alleged in the Second Amended Complaint filed in this action, Case No. 2:10-CV-1988-SVW-MANx (C.D. Cal) (the "Civil Action").

6. On December 13, 2012, Defendant was sentenced to 12 months and 1 day in custody in connection with her guilty plea in the Criminal Action. Pursuant to the Judgment and Commitment Order entered on December 13, 2012, Defendant was also ordered to pay restitution without interest in a total amount of \$1,088,799.26 to victims of Defendant's conduct (hereinafter "Defendant's Caused Losses") as set forth in a separate confidential victim list, and was held

1 jointly and severally liable in the Criminal Action with Hee Jung Mun (CR 11-01169-DDP), Ji
2 Hae Kim (CR 11-01082-DDP), Seonweon Kim (CR 12-00009-DDP), Jung Sook Lee (CR 12-
3 00015-DDP), Hwa Ja Kim (CR 12-00059-DDP); Yeong Ja Lee (CR 12-397-DDP) and Sang
4 Whan Ahn (CR 12-588-DDP) (collectively the "co-participants") to the extent and for the amount
5 that each is determined liable for the Defendant's Caused Losses. In the Criminal Action,
6 Defendant's liability for restitution ceases if and when the victim receives full restitution for
7 Defendant's Caused Losses without interest.

8 7. In order to resolve the Civil Action, the Defendant has agreed to the entry of
9 judgment against her in the Civil Action in the amount of \$1,088,799.26 without interest.

10 **JUDGMENT**

11 8. Judgment without interest in favor of the United States and against Defendant in
12 the amount of \$1,088,799.26 is hereby ordered and entered. Any payments by Defendant to
13 satisfy this judgment, in whole or in part, shall be made by electronic funds transfer pursuant to
14 written instructions to be provided by the Office of the United States Attorney for the Central
15 District of California. Any such payments made by Defendant shall also be applied to the order of
16 restitution entered against Defendant in the Criminal Action. This Court retains jurisdiction to
17 adjudicate any and all matters pertaining to this Judgment.

18 **IT IS SO ORDERED.**

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22 Dated: March 28, 2013



23 THE HON. STEPHEN V. WILSON
24 UNITED STATES DISTRICT JUDGE